

Minutes
Bar Harbor Planning Board
March 18, 2009
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:02 p.m.

Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Vice-Chair; Lynne Williams, Secretary; Dave Bowden, Member; Buck Jardine, Member. Also present: Anne Krieg, Planner; Kris Hultgren, Staff Planner

II. EXCUSED ABSENCES

There were no excused absences.

III. ADOPTION OF THE AGENDA

Ms. Williams moved to approve the agenda. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Ms. Williams moved to approve the March 4 minutes. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Public Hearing – SD-07-08 – Seabury Woods

Project Location: Seabury Drive, Bar Harbor Tax Map 207, Lot 32

Applicant: Tranquility Bond, LLC

Application: Proposes a 7 lot residential subdivision

Ms. Stevens-Rosa asked the Board about how it wanted to address the nonconforming road issue. The Board discussed the nonconforming road issue.

Ms. King, representing the applicant, referred to her comments in a memo submitted to the Board.

Mr. Jardin moved to reconsider the motion from the previous meeting on March 4 that addressed whether Seabury Drive is a nonconforming road. Mr. Cochary seconded and the Board voted 4-1 to approve the motion with Ms. Williams voting no.

The Board discussed the proper designation of Seabury Drive.

Mr. Cochary moved to find that Seabury Drive was approved by previous Planning Boards based on modifications of standard. The Board discussed the motion. The Board voted and the motion passed 4-1 with Ms. Williams voting no.

The Board discussed how to proceed. Ms. Stevens-Rosa asked the applicant to speak to the proposed road improvements.

Hero Hedifine, representing the applicant, outlined the proposed improvements to Seabury Drive.

The Board discussed the tangents of the road.

Mr. Hedifine commented about the classification of Seabury Drive as a low volume local road.

Ms. Williams noted the safety issue with cars parking on the side of the road waiting for the school bus. The applicant noted that a bus pull-off was proposed in a previous application for this parcel and was rejected by the neighborhood.

Karen Moore, a resident of Seabury Drive, agreed with Ms. Williams that parking near the intersection as parents and children wait for the school bus is a safety issue.

The Board discussed the widening of Seabury Drive at the intersection of Route 3.

John Kelly, an abutter to the project, suggested that constructing a sidewalk would solve the problem of safety.

Peter Calais, an abutter to the project, noted safety issues with the project.

Mr. Moore, a resident of Seabury Drive, discussed various safety issues with the road including tangents and road width.

Ms. Stevens-Rosa asked the applicant to explore the idea of a sidewalk along Seabury Drive. The Board discussed the idea of a sidewalk.

Mr. Cochary moved to continue the application to the April 1 meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

Mr. Jardine and Mr. Cochary noted their interest in the applicant submitting a new plan with increased tangents. Mr. Coplon asked that the Board not consider widening the road to improve the tangents as increasing the nonconforming road and it will not be a problem if the road is not in the center of the right-of-away. The Board agreed.

B. Public Hearing – SD-07-10 – Eventyr Woods

Project Location: Eagle Lake Road, Bar Harbor Tax Map 107, Lot 1

Applicant: Robert Juliano

Application: Proposes a 44 lot residential subdivision

The Board discussed the third party engineering firm overseeing infrastructure improvements.

Ms. Krieg updated the Board on the grading issues with Eventyr Road. The Board discussed the grading issues.

Mr. Cochary moved to approve the application with the plans noted in the draft decision, the conditions noted in the draft decision and the additional condition that a third party review with an escrow account be established with oversight by the Public Works Director. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

C. Public Hearing: Land Use Ordinance Amendment – Signage and Design Review Board Jurisdiction – Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to change standards for signage and Design Review Board Jurisdiction.

Ms. Krieg reviewed the public hearing requirements as outlined in the LUO. She also reviewed the history of the Design Review Board making changes to the existing sign ordinance.

The Board discussed the proposed sign ordinance.

Perry Moore, a member of the public, expressed concern that multiple regulatory boards review signage.

Ms. Williams moved to recommend that the ordinance ought to pass. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

D. Public Hearing: Land Use Ordinance Amendment – Vacation Rentals – Amend the Bar Harbor Code, Chapter 125, Land Use Ordinance, to clarify non-conforming protections for vacation rentals and distinguish between the definition of a lot and a condominium.

Ms. Krieg outlined the history of the vacation rental ordinance and the intentions of the proposed changes.

Amanda Kendall asked about the date change in the proposed ordinance.

Mr. Cochary moved to recommend the ordinance be changed. Ms. Williams seconded and the Board voted unanimously to approve the motion.

E. Completeness Review – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113, 114, 115, 116, 117, 118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Eben Salvatore, representing the applicant, gave an overview of the project.

Ms. Williams disclosed that nearby homeowners are a client of hers and they have an option from Ocean Properties to buy their property. The Board discussed the disclosure.

Mr. Bowden moved that Ms. Williams does not have a conflict with the applicant. Mr. Cochary seconded. The Board discussed the motion. The Board voted unanimously to approve the motion.

The Board discussed the project with the applicant.

Perry Moore and Mr. Salvatore addressed the reasons for choosing this location and this size project.

The Board discussed the project with the applicant.

Ms. Krieg noted that staff is recommending peer review of the engineering reports.

The Board agreed to a site visit.

Mr. Salvatore noted the applicant's intention to obtain some level of LEED certification for the project.

Richard Leiser from Galyan's Restaurant commented on parking and access issues to the back yard lot.

Mr. Cochary moved to continue the complete application to the April 1 meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Discussion of amending the neighborhood district map and front setback standard for "Bar Harbor Corridor" district along Eden Street

Mr. Krieg reviewed the work of the Economic Development Task Force.

Mr. Moore reviewed the reasons his client, Jordan Fernald, is requesting a zoning change.

Jim Blanchard from Harbor Lane spoke about the project and urged the Board to respect existing low intensity land uses.

Edith Millbury from Harbor Lane agreed with Mr. Blanchard.

Ms. Krieg noted the timetable for the EDTF to address certain zoning issues.

B. Phillips-Gray Subdivision Extension Request

Mr. Bowden moved to ask Mr. Cochary to recuse because he had recused from the project previously. Mr. Jardin seconded and the Board voted unanimously to approve the motion.

Perry Moore submitted the request and gave the Board an overview of the request.

Mr. Bowden moved to grant a 12 month extension. Ms. Williams seconded and the Board voted unanimously to approve the motion.

VII. PLANNING DIRECTOR'S REPORT

- A. Update on Land Use Ordinance work of Economic Development Task Force and Design Review Board

Ms. Krieg updated the Board on Land Use Ordinance work.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT – 9:52

Mr. Cochary moved to adjourn. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date